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July 15, 2014

Via ECFS
Marlene H. Dortch, Secretary
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, D.C. 20554

RE: Revision of Part 15 of the Commission's Rules to Permit Unlicensed National Information Infrastructure (U-NII) Devices in the 5 GHz Band, ET Docket No. 13-49

Dear Ms. Bortch,

Hudson Valley Wireless (HVW) is a Wireless Internet Service Provider (WISP) located in Upstate, NY focusing on providing broadband access to unserved and underserved areas. Our company works with state & local government agencies to develop comprehensive broadband plans and deploys services in rural and remote areas. In these areas the average cost of wireline construction in Upstate, NY for wireline facilities is \$40,000 per linear mile. Many of these rural and remote areas do not have the population density to support sustainable FTTH or Hybrid-coaxial networks making Fixed Wireless the only option for thousands of areas homes and businesses within our coverage area to receive "Broadband" Internet Access.

Access to spectrum is essential for rural broadband deployments. Most WISP operators use a combination of Un-licensed and Semi-Licensed Spectrum for Point to Point (PTP) and Point to Multi-Point (PTMP) deployments. A large portion of our network relies on the use of the 5 GHz frequency range which is the subject of the comments from WISPA and other industry related organizations.

We are writing in support of the petitions from WISPA, Cambium, Mimosa Networks and JAB requesting that the FCC not group 5 GHz (5.725-5.850) under the restrictions of Section 15.407, and retain the current rules applying to these frequencies. The regrouping of the frequencies will have a damaging effect on the quality and availability of the rural broadband services we provide.

Many of the areas that we service are rural and remote with lower than average household incomes and higher unemployment rates. The reclassification under Section 15.407 will severely impact the Broadband Availability and Broadband Adoptions with cost being one of the biggest barriers. Industry analysts have predicted that average cost per CPE will increase by \$300 per subscriber making the networks unsustainable. Link capacity will decrease, requiring duplicative equipment colocations and the distance limitations will require the construction of more towers.

According to an FCC report (14-30, Section II, paragraph 12):

"Most of these interference cases were determined to have been caused by devices not certified for operations in the U-NII—2C band, which includes the 5.6-5.65 GHz band used by the TDWR's; no cases have been attributed to certified equipment operating properly in accordance with their grant of equipment authorization."

Maintaining the more flexible rules under Section 15.247 is essential for the deployment of broadband Internet access to rural and remote subscribers. The reclassification of 5 GHz frequencies under Section 15.407 is contradictory to many of the FCC's goals including the National Broadband Plan and the Nationwide Programmatic Agreement for the Collocation of Wireless Antennas.

Many WISP operators will not be able to expand services into rural communities leaving the homes and businesses at a socio-economic disadvantage. The impact of the FCC's decision will directly result in increased costs and reduced network capacity. The indirect costs will be much more substantial.

Broadband is responsible for 20% of new jobs across all business sectors and creates 2.6 jobs for every job lost. Other studies have shown that 80-new jobs are created for every \$1 Million invested in broadband deployments. The reclassification of 5 GHz frequencies will have the adverse effect.

Having access to information and technology can be a transformational equalizer to help revitalize some of these rural communities. We appreciate your time and ask the FCC to reconsider placing the new equipment under Section 15.407.

Sincerely,

A handwritten signature in black ink that reads "Jason W Guzzo". The signature is written in a cursive, flowing style.

Jason Guzzo
General Manager